

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
CASE NO.: 5:10-CV-0536

JOE HAND PRODUCTIONS, INC., )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
JORKAY, LLC d/b/a RUDY'S PUB & )  
GRILLE and MICHAEL B. PARENT, )  
 )  
Defendants. )  
\_\_\_\_\_ )

**ANSWER OF DEFENDANTS**

**NOW COMES** the Defendants, by and through undersigned counsel, and hereby  
Answers the numbered paragraphs of the Complaint of the Plaintiff as follows:

**FIRST DEFENSE**

1. To the extent paragraph 1 of the complaint is an allegation, it is DENIED.
2. ADMITTED.
3. DENIED.
4. Defendants are without sufficient knowledge or information sufficient to form a  
belief as to the truth of the allegations in paragraph 4, they are therefore, DENIED.
5. ADMITTED.
6. ADMITTED.

**COUNT I**

7. This paragraph does not require a response.
8. Defendants are without sufficient knowledge or information sufficient to form a  
belief as to the truth of the allegations in paragraph 8, they are therefore, DENIED.

9. Defendants are without sufficient knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 9, they are therefore, DENIED.

10. Defendants are without sufficient knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 10, they are therefore, DENIED.

11. DENIED.

12. DENIED.

13. DENIED.

14. DENIED.

15. This allegation and all sub-parts thereof are DENIED.

16. DENIED.

## **COUNT II**

17. This paragraph does not require a response.

18. This allegation sets forth a legal conclusion to which no response is required as the federal statute speaks for itself.

19. DENIED.

20. This allegation sets forth a legal conclusion to which no response is required as the federal statute speaks for itself.

21. DENIED.

22. DENIED.

23. This allegation and all sub-parts thereof are DENIED.

24. DENIED.

## **COUNT III**

25. This paragraph does not require a response.

26. DENIED.

27. This allegation sets forth a legal conclusion to which no response is required as the federal statute speaks for itself.

28. DENIED.

29. DENIED.

30. DENIED.

### **SECONSD DEFENSE-MOTION TO DISMISS**

The Plaintiff has failed to state a claim against Defendants upon which relief may be granted and this matter should be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6).

**WHEREFORE**, Defendants pray the Court that:

1. This action be dismissed with prejudice;
2. The Plaintiff have and recover nothing from Defendants;
3. The costs of this action be taxed against the Plaintiff;
4. The matter be tried by a jury on all issues so triable;
5. It award reasonable attorney's fees for the defense of this action; and,
6. For such other and further relief as the Court shall deem just and proper.

Respectfully submitted this the 22<sup>nd</sup> day of June, 2011.

**HAIRSTON LANE BRANNON, P.A.**

By: /s/James E. Hairston, Jr.  
James E. Hairston, Jr.  
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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing Answer was served on the following parties to this action via:

- ( ) hand delivery to:
- ( ) UPS/FedEx/Next Day Air to:
- ( ) Email: [Rebecca@leighlaw.com](mailto:Rebecca@leighlaw.com)
- (X) Electronic Filing
- ( ) depositing a copy of the same in the United States Mail postage prepaid and addressed to:

**Rebecca A. Leigh, Esq.**  
**301 S. Greene Street, Suite 201**  
**Greensboro, NC 27401**

This the 22<sup>nd</sup> day of June, 2011.

**HAIRSTON LANE BRANNON, PA**

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